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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LAUSTEVEION JOHNSON,

Plaintiff,

v.

SLAVE-NOOSE, *et al.*,

Defendants.

Case No. 3:22-cv-00290-CSD

**ORDER GRANTING
DEFENDANTS' MOTION TO STAY
CASE PENDING GLOBAL
SETTLEMENT CONFERENCE**

Defendants, John Claudio-Bil, Shelly Conlin, Charles Daniels, Robert Hartman, Jeffrey Holz, Michael Flamm, Micheal Tierney, Armando Medina, and Lance White, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Samuel L. Pezone Jr., Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby move for a stay of this case pending an upcoming global settlement conference in *Johnson v. Garofalo, et al.*, Case No. 3:21-cv-00239-MMD-CLB.

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL BACKGROUND

On April 26, 2023, this Court entered an order setting October 17, 2023, as the deadline to serve discovery, and November 16, 2023, as the date for completion of discovery. ECF No. 28.

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1 On August 21, 2023, this court held a telephonic status conference in *Johnson v.*
2 *Garofalo, et al.*, Case No. 3:21-cv-00239-MMD-CLB. ECF No. 35. During this conference,
3 Deputy Attorney General Andrew Nelson, Plaintiff Lausteveion Johnson (Johnson) and his
4 counsel agreed to participate in a global settlement conference regarding all of Johnson's
5 civil cases pending in this court, including this case, *Johnson v. Slave-Noose, et al.*, Case
6 No. 3:22-cv-00290-CSD. *See Id.*

7 Accordingly, this Court set Thursday October 5, 2023, at 9:00 AM, as the date and
8 time for a global settlement conference. ECF No. 35 at 2. Further, this Court advised the
9 parties to "request or file a stipulation regarding a stay in any case where they find it
10 appropriate." *Id.* This request for a stay follows.

11 II. LEGAL STANDARD

12 "A court's power to stay proceedings is incidental to its inherent power to manage its
13 docket." *Stephens v. Comenity, LLC*, 287 F.Supp.3d 1091, 1096 (D. Nev. 2017) (citing
14 *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936)). "Proceedings may be stayed 'pending
15 resolution of independent proceedings which bear upon the case.'" *Id.* at 1096-97 (citing
16 *Leyva v. Certified Grocers of California, Ltd.*, 593 F.2d 857, 863 (9th Cir. 1979)). "In
17 determining whether a stay is appropriate, a court 'must weigh competing interests and
18 maintain an even balance.'" *Id.* at 1097 (citing *Landis*, 299 U.S. at 254-55); *see also Lockyer*
19 *v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005). "These competing interests include:
20 (1) possible damage resulting from granting a stay; (2) hardship or inequity to a party if
21 the proceedings go forward; and (3) simplification or complication of issues, proof and
22 questions of law from a stay." *Id.* (citing *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir.
23 1962)).

24 III. ARGUMENT

25 Staying this case will further the goal of efficiency for this Court and the parties, as
26 a global settlement may result in the prompt resolution of this case. If a global settlement
27 is not reached, Johnson may resume the instant case with only a short delay of five weeks.
28 Discovery is ongoing and is due to be completed on November 16, 2023. ECF No. 28.

Without a stay, all parties may incur the expense of responding to additional discovery, which discovery may ultimately prove fruitless if this case is resolved at the global settlement conference.

Furthermore, the settlement conference may help to simplify the issues to be resolved in this litigation. Even if this case is not resolved, a settlement conference may allow the parties to eliminate some factual disputes in this case, which will make for more efficient discovery and narrower dispositive motions.

IV. CONCLUSION

This Court should grant a stay of these proceedings pending the upcoming global settlement conference on Thursday October 5, 2023, at 9:00 AM. Defendants request a stay of this case until no later than October 19, 2023, by which date the parties shall inform the court of the results of the global settlement conference.

DATED this 28th day of August, 2023.

AARON D. FORD
Attorney General

By: /s/ Samuel L. Pezone Jr.
SAMUEL L. PEZONE JR. (Bar No. 15978)
Deputy Attorney General

Attorneys for Defendants

IT IS SO ORDERED.

DATED: August 29, 2023.


UNITED STATES MAGISTRATE JUDGE